

## Dumfries and Galloway Council response to the Health, Social Care and Sport Committee call for views in relation to subordinate legislation on burial Law in Scotland

**Q1. What are your views on all or some of the provisions covered in the Burial (Management) (Scotland) Regulations 2025 in relation to the management and maintenance of burial grounds in Scotland, including:**

### **The requirement to prepare and maintain a publicly accessible burial management plan**

Overall, all information detailed within the proposed management plan within the draft legislation is currently held on record which could be fairly easily collated. The outlined draft legislation covers all expected aspects within a cemetery.

It would be useful if the Scottish Government issued a template to local authorities to ensure a consistent approach to development of management plans across Scotland which would also assist member of the public who want to access management plans across differing local authorities.

### **Maintenance and repair of burial grounds**

Dumfries and Galloway Council have 183 cemeteries, 87 of which are classed as open and 96 closed as closed. Currently open cemeteries are maintained (grounds maintenance) every 3 weeks (approximately) and closed cemeteries 3 times per year. No further comments in relation to this point.

### **Safety of headstones and other memorials**

Dumfries and Galloway Council have a robust process in place to inspect headstones across D&G in line with the Burial Ground Memorial Safety – Guidance for local Authorities which is concurrent with the draft legislation.

Further comments are as follows:

- It would be worthwhile adding to the legislation that individual headstones/memorials are the responsibility of the lair holder.
- The legislation doesn't say how the burial authority should notify the public although is suggested within the Burial Ground Memorial Safety – Guidance for local Authorities. To support Local Authorities, it would be helpful to be specific in relation to minimal communication within the legislation.
- At section 3 (a) repair is the first option on the list - The responsibility of a headstone/memorial is the lair holder and therefore this should be a last resort option if there are no other "make safe" options available. This should be removed or list last.
- Could 'make secure' be changed to 'make safe'

**No comments on the removal of unauthorised headstones or other memorials; training; or designation for use by faith, religious or belief groups.**

**Q2. What are your views on all or some of the provisions covered in the Burial and Cremation (Inspection) (Scotland) Regulations 2025, in relation to inspection, enforcement and appeals for burial authorities, cremation authorities and funeral directors?**

No comments.

**Q3. Do you have any specific concerns about any of the instruments outlined above?**

No specific concerns.

**Q4. In your view, what financial impact could this legislation have on the delivery of burial services?**

There will be significant ongoing costs associate with the continuation of the Memorial/Headstone Safety programme.

It is not anticipated that there will be any further additional costs associated with the draft legislation proposed.

**Q5. The Scottish Government's business and regulatory impact assessment states that burial authorities and funeral directors may experience minor training and administrative impacts associated with the legislation. How might the additional training and administrative requirements laid out under these instruments affect the delivery of these services in practice, and how could these impacts be managed or mitigated?**

It is not expected that additional training will be required. There will be initial administrative time required to prepare Management Plans for cemeteries, however if templates were provided this would reduce the initial impact.